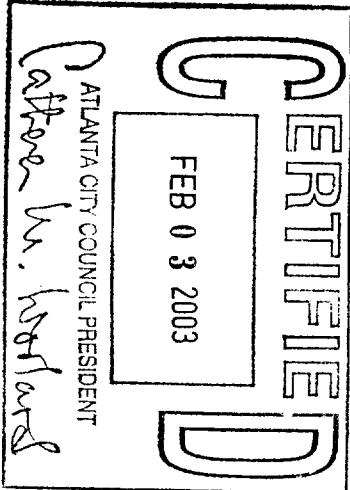


Entered - 11/22/02 - sb  
CL02L0852 - DIANNE C. MITCHELL

CLAIM OF: MARTHA JO KATZ  
3207 Powder Mill Place  
Marietta, Georgia 30067

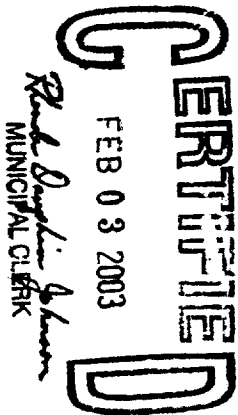
03-R-0100



For damages alleged to have been sustained as a result of vehicular damage due to driving over a pothole on October 26, 2002 at Lake Forest Drive and Long Island Drive.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY



ADVERSED BY  
CITY COUNCIL FEB 03 2003

ADVERSE REPORT

COMM Public Safety

DATE 1-28-03

CHAIR Harry Woodward

C. J. Patton

W. J. Patton

W. J. Patton

W. J. Patton

W. J. Patton



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

February 6, 2003

Martha Jo Katz  
3207 Power Mill Place  
Marietta, GA 30067

03-R-0100

Dear Ms. Katz:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on February 03, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0852

Date: January 16, 2003

Claimant /Victim MARTHA JO KATZ

BY: (Atty)(Ins. Co.)

Address: 3207 Powder Mill Place, Marietta, Georgia 30067

Subrogation: Claim for Property damage \$ 244.55 Bodily Injury \$

Date of Notice: 11/22/02 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/26/02 Place: Lake Forest Drive and Long Island Drive

Department Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she damaged her vehicle when she drove over a pothole. The investigation determined that the area where the claimant alleges the damage occurred is outside the Atlanta City limits and is in unincorporated Fulton County. The claimant has been advised to pursue her claim with Fulton County.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial

Improper Notice More than Six Months Other Damages reasonable

City not involved X Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01

Claims Manager:  Concur/date 01-17-03

Committee Action: Council Action

RCS# 4417  
2/03/03  
2:27 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-7: Except 02-O-2096

ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

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**2/03/03 FULL COUNCIL MEETING**

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**Items Adopted on the  
Consent Agenda**

1. 03-O-0033
2. 03-O-0123
3. 03-O-0109
4. 02-O-1038
5. 03-O-0105
6. 03-O-0057
7. 03-O-0111
8. 03-R-0121
9. 03-R-0069
10. 03-R-0070
11. 03-R-0071
12. 03-R-0072
13. 03-R-0073
14. 03-R-0074
15. 03-R-0075
16. 03-R-0076
17. 03-R-0077
18. 03-R-0078
19. 03-R-0079
20. 03-R-0126
21. 03-R-0090

**Items Adversed on the Consent  
Agenda**

22. 03-R-0091
23. 03-R-0092
24. 03-R-0093
25. 03-R-0094
26. 03-R-0095
27. 03-R-0096
28. 03-R-0097
29. 03-R-0098
30. 03-R-0099
31. 03-R-0100

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Consent I Vote: 15Yeas; 0 Nays: (See RCS #4417)  
Item Removed from the Consent Agenda: 02-O-2096